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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/720,309 | 04/09/2001 | Roger Howard Meek | A0008/7004 | 3449 |
| 22832 | 7590 | 09/22/2004 | | EXAMINER |
| KIRKPATRICK & LOCKHART LLP 75 STATE STREET BOSTON, MA 02109-1808 | | | DESANTO, MATTHEW F | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3763 | |

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/720,309 | MEEK ET AL. |
| | Examiner | Art Unit |
| | Matthew F DeSanto | 3763 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,9-24,26-28,34-38,45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) 9-15,45 and 46 is/are withdrawn from consideration.
- 5) Claim(s) 1-5, 16-24, 26-28, 34-38 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-516, 17-24, 26, 27, 28, 34-38 are in condition for allowance.
2. The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claim(s) could either not be found or was not suggested in the prior art of record. The subject matter not found was a Foley catheter for urine drainage from a patient's bladder, wherein the catheter includes a self-contained liquid reservoir bulb made of an elastomeric polymer at its proximal end connected by a lumen within the catheter shaft to an anchor balloon at the distal end of the catheter, wherein liquid from the reservoir bulb flows from the reservoir to the balloon to anchor the catheter in the bladder. Thus, when a person squeezes the bulb fluid will flow from the bulb to the balloon, thus deflating the reservoir and inflating the balloon. The catheter also has a control device situated within the lumen that controls the flow of liquid from the reservoir to the anchor balloon. The control device comprises a plug having a coaxial stem attached to an annular part having a diameter at least twice that of the stem. The stem seals the lumen defined by the annular part. The stem and the annular part meet at a weakened parting line, wherein the plug can be fractured by manipulation from outside the lumen of the exterior of the catheter shaft. The separation of the plug along the parting line opens up fluid communication through the plug along the catheter lumen from the reservoir to the anchor balloon. The parting line in the plug facilitates the separation of the stem. These limitations in combination with

the other elements or steps of the claim as well as the arguments given by the applicant are the reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

1. Applicant's arguments and amendments with respect to claim 1 have been considered and put the case in condition for allowance.
2. The applicant must cancel the withdrawn claims to allow the pending claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F DeSanto whose telephone number is 1-703-305-3292. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 1-703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew DeSanto
Art Unit 3763
September 20, 2004



NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700